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Attorneys for All Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KEVIN RISTO, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

SCREEN ACTORS GUILD-
AMERICAN FEDERATION OF
TELEVISION AND RADIO
ARTISTS, a Delaware corporation; et
al.

Defendants.

Case No. 2:18-cv-07241-CAS-PLA

Class Action

**DECLARATION OF ANDREW G.
SULLIVAN IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

DECLARATION OF ANDREW G. SULLIVAN

I, Andrew G. Sullivan, declare as follows:

1. I am admitted to practice law in the State of California and am an attorney in the law firm of Jenner & Block, LLP (“Jenner & Block”), which serves as counsel of record for Defendants Screen Actors Guild-American Federation of Television and Radio Artists (“SAG-AFTRA”), American Federation of Musicians of the United States and Canada (“AFM”), Raymond M. Hair, Jr., Tino Gagliardi, Duncan Crabtree-Ireland, Stefanie Taub, Jon Joyce, and Bruce Bouton (collectively, “Defendants”). I submit this declaration in support of Defendants’ Motion for Summary Judgment. If called to testify, I could and would testify as to the following based on personal knowledge.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the transcript of the deposition of Bruce Bouton, which was taken on October 21, 2020.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the transcript of the deposition of Duncan Crabtree-Ireland, which was taken on February 16, 2021, along with deposition exhibits 1 and 3.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the transcript of the deposition of Duncan Crabtree-Ireland as the designee of SAG-AFTRA, which was taken on February 17, 2021.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts of the transcript of the deposition of Dennis Dreith, which was taken on February 11, 2021, along with deposition exhibits 111, 115, 117, 118, 120, 123, 126, and 133.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts of the transcript of the deposition of Tino Gagliardi, which was taken on October 9, 2020.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts of the transcript of the deposition of Kristina Gorbacsov as designee of SAG-AFTRA,

1 which was taken on October 23, 2020.

2 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts of
3 the transcript of the deposition of Ray Hair, which was taken on February 24, 2021.

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts of
5 the transcript of the deposition of Ray Hair as the designee of the AFM, which was
6 taken on February 25, 2021, along with deposition exhibit 5.

7 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts of
8 the transcript of the deposition of Shari Hoffman, which was taken on February 19,
9 2021, along with deposition exhibit 141.

10 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts of
11 the transcript of the deposition of Jon Joyce, which was taken on September 22,
12 2020.

13 12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts of
14 exhibits 2 and 3 from the deposition of Jennifer LeBlanc, which was taken on July
15 23, 2020.

16 13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts of
17 the transcript of the deposition of John Painting as the designee of the AFM, which
18 was taken on October 29, 2020.

19 14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts of
20 the transcript of the deposition of Kevin Risto, which was taken on January 29,
21 2021, along with deposition exhibits 101, 103, and 104.

22 15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts of
23 the transcript of the deposition of Julie Sandell, which was taken on December 9,
24 2020.

25 16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts of
26 the transcript of the deposition of Stefanie Taub, which was taken on October 20,
27 2020, along with deposition exhibit 1.

28 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts of

1 the transcript of the deposition of Stefanie Taub as the designee of the Fund, which
2 was taken on January 20, 2021, along with deposition exhibits 7 and 9.

3 18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts of
4 “Amended Responses of Defendant Bruce Bouton to Plaintiff’s First Set of
5 Interrogatories,” served on March 1, 2021.

6 19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts of
7 “Amended Responses of Defendant Duncan Crabtree-Ireland to Plaintiff’s First Set
8 of Interrogatories,” served on March 1, 2021.

9 20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts of
10 “Amended Responses of Defendant Ray Hair to Plaintiff’s First Set of
11 Interrogatories,” served on March 1, 2021.

12 21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts of
13 “Amended Responses of Defendant Jon Joyce to Plaintiff’s First Set of
14 Interrogatories,” served on March 1, 2021.

15 22. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts of
16 “Amended Responses of Defendant Stefanie Taub to Plaintiff’s First Set of
17 Interrogatories,” served on March 1, 2021.

18 23. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts of
19 “Amended Responses of Defendant Tino Gagliardi to Plaintiff’s First Set of
20 Interrogatories,” served on March 1, 2021.

21 24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts of
22 “Plaintiff Kevin Risto’s Responses to Defendants’ Second Set of Interrogatories,”
23 served on February 12, 2021.

24 25. Attached hereto as **Exhibit 24** is a true and correct copy of a document
25 produced by Defendants, entitled “WIPO Conference: The Global Digital Content
26 Market” and Bates numbered DEFS_00041708.

27 26. Attached hereto as **Exhibit 25** is a true and correct copy of a document
28 produced by Defendants, entitled “Standing Committee on Copyright and Related

1 Rights” and Bates numbered DEFS_00041713.

2 27. Attached hereto as **Exhibit 26** is a true and correct copy of a document
3 produced by Defendants, entitled “102nd FIM EC Meeting – Rome, June 12-13,
4 2014 DRAFT AGENDA” and Bates numbered DEFS_00041718.

5 28. Attached hereto as **Exhibit 27** is a true and correct copy of an email
6 produced by Defendants, from Alonso Pollard to Ray Hair dated May 27, 2014 and
7 Bates numbered DEFS_00041720.

8 29. Attached hereto as **Exhibit 28** is a true and correct copy of a letter
9 produced by Defendants, from John Smith and Benoit Machuel to Ray Hair dated
10 June 25, 2014 and Bates numbered DEFS_00041722.

11 30. Attached hereto as **Exhibit 29** is a true and correct copy of a letter
12 produced by Defendants, from Ray Hair to Tino Gagliardi dated March 5, 2015 and
13 Bates numbered DEFS_00041728.

14 31. Attached hereto as **Exhibit 30** is a true and correct copy of a document
15 produced by Defendants, entitled “FIM Presidium Meeting Paris 21-22 Nov. 2016
16 Proposed Agenda” and Bates numbered DEFS_00041734.

17 32. Attached hereto as **Exhibit 31** is a true and correct copy of a document
18 produced by Defendants, entitled “FIM Presidium Meeting NYC 13-14 Mar. 2017
19 Proposed Agenda” and Bates numbered DEFS_00041736.

20 33. Attached hereto as **Exhibit 32** is a true and correct copy of a document
21 produced by Defendants, entitled “The Economy of Streaming Media” and Bates
22 numbered DEFS_00041740.

23 34. Attached hereto as **Exhibit 33** is a true and correct copy of a letter
24 produced by Defendants, from Dennis Dreith to John Simpson dated May 7, 2009
25 and Bates numbered DEFS_00042019.

26 35. Attached hereto as **Exhibit 34** is a true and correct copy of a document
27 produced by Defendants, entitled “Authors, Attribution, and Integrity: Examining
28 Moral Rights in the United States” and Bates numbered DEFS_00041973.

1 36. Attached hereto as **Exhibit 35** is a true and correct copy of a document
2 produced by Defendants, entitled “Roundtable: Copyright’s Republic: The
3 Contribution of Copyright to Culture, Freedom, and Human Flourishing” and Bates
4 numbered DEFS_00041986.

5 37. Attached hereto as **Exhibit 36** is a true and correct copy of an email
6 produced by Defendants, from “Workflow Mailer” to Duncan Crabtree-Ireland
7 dated October 6, 2014 and Bates numbered DEFS_00041988.

8 38. Attached hereto as **Exhibit 37** is a true and correct copy of a document
9 produced by Defendants, entitled “WORLD CREATORS SUMMIT 2013 4 & 5
10 June 2013 Speaker’s brief” and Bates numbered DEFS_00041992.

11 39. Attached hereto as **Exhibit 38** is a true and correct copy of a document
12 produced by Defendants, entitled “Conference Program” and Bates numbered
13 DEFS_00041996.

14 40. Attached hereto as **Exhibit 39** is a true and correct copy of a document
15 produced by Defendants, entitled “Sound Recording Distribution Guidelines” and
16 Bates numbered DEFS_00000086.

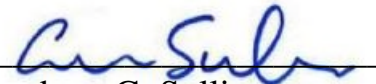
17 41. Attached hereto as **Exhibit 40** is a true and correct copy of a document
18 produced by Defendants, entitled “Roundtable: Copyright’s Republic: The
19 Contribution of Copyright to Culture, Freedom, and Human Flourishing, Meeting
20 Logistics” and Bates numbered DEFS_00041983.

21 42. Attached hereto as **Exhibit 41** is a true and correct copy of an email
22 produced by Defendants, from Ted Shapiro to Duncan Crabtree-Ireland dated July
23 28, 2014 and Bates numbered DEFS_00041989.

24 43. I supervised the collection and production of documents from the Fund
25 in response to the Plaintiff’s requests for production of documents in this action. In
26 response to Plaintiff’s discovery requests, Defendants have produced in excess of
27 15,000 emails which reflect communications between the Fund and the Unions
28 pertaining to requests by the Fund for data regarding non-featured performers.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed this 23rd day of April, 2021.
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6 Andrew G. Sullivan
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